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**DEPARTMENT OF TRANSPORTATION**

**[4910-EX-P]**

**Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2011-0276]**

**Qualification of Drivers; Exemption Applications; Vision**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemptions; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 4 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

**DATES:** Comments must be received on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER].

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2011-0276 using any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- Hand Delivery: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Fax: 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, S.E., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the Federal Register on January 17, 2008 (73 FR 3316), or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Elaine M. Papp, Chief, Medical Programs, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue, S.E., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” FMCSA can renew exemptions at the end of each 2-year period. The 4 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

### **Qualifications of Applicants**

#### *Tracey L. Butcher*

Mr. Butcher, age 39, has had central scotoma in his right eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his right eye 20/3000 and in his left eye, 20/20. Following an examination in 2011, his optometrist noted, “In my opinion, has sufficient vision to perform driving tasks required in the operation of a commercial vehicle.” Mr. Butcher reported that he has driven straight trucks for 10 years, accumulating 650,000 miles and tractor-trailer combinations for 13 years, accumulating 201,500 miles. He holds a Class A Commercial Driver’s License (CDL) from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Keith M. Calvert*

Mr. Calvert, 60, has had central scotoma in his left eye for the past 20 years. The best corrected visual acuity in his right eye 20/20 and in his left eye, 20/200. Following an examination in 2011, his ophthalmologist noted, "It is my opinion that he has sufficient vision with glasses to operate a commercial vehicle, I believe that his condition is stable." Mr. Calvert reported that he has driven straight trucks for 5 years, accumulating 750,000 miles, tractor-trailer combinations for 6 years, accumulating 1.6 million miles and buses for 2 years, accumulating 100,000 miles. He holds a Class C operator's License from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Terry G. Howard*

Mr. Howard, 44, has had refractive amblyopia in his left eye since birth. The best corrected visual acuity in his right eye 20/20 and in his left eye, 20/400. Following an examination in 2011, his optometrist noted, "In my medical opinion, Terry Howard has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Howard reported that he has driven tractor-trailer combinations for 4 years, accumulating 280,000 miles. He holds a Class D operator's license from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*David M. Taylor*

Mr. Taylor, 49, has a prosthetic left eye due to a traumatic injury since he was two years old. The best corrected visual acuity in his right eye 20/120. Following an examination in 2011, his optometrist noted, "Dave has sufficient vision to perform the

operation of commercial vehicles.” Mr. Taylor reported that he has driven straight trucks for 6 years, accumulating 510,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

### **Request for Comments**

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business [Insert date 30 days after date of publication in the FEDERAL REGISTER]. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: October 17, 2011

Larry W. Minor  
Associate Administrator for Policy

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